



Rep. Robyn Gabel

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1 AMENDMENT TO HOUSE BILL 1665

2 AMENDMENT NO. _____. Amend House Bill 1665 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Home
5 Birth Integration Act.

6 Section 5. Purpose. The General Assembly finds that due to
7 an extreme shortage of licensed home birth providers, a
8 significant percentage of Illinois home birth families engage
9 the services of unregulated, underground, community midwives
10 to attend their planned home births. It further finds that the
11 recent Publication #476 of the American College of
12 Obstetricians and Gynecologists emphasizes the importance of
13 providing home birth families with an integrated and regulated
14 health system that ensures a plan for safe and quick
15 transportation to a nearby hospital in the event of an
16 emergency. It is hereby declared that the lack of integration

1 of community home birth midwives into the Illinois Emergency
2 Medical System creates a serious gap in care that negatively
3 affects the health, safety, and welfare of hundreds of Illinois
4 mothers annually who choose to give birth at home as well as
5 the health, safety, and welfare of their infants. The purpose
6 of this Act is to require the Department of Public Health,
7 Illinois community home birth midwives, and Illinois hospitals
8 to work together to create protocols for receiving transports
9 of home birth mothers, infants, or both, which include methods
10 of transferring medical charts and methods of communication
11 that maintain the underground midwife's anonymity and
12 therefore do not discourage midwives from transporting in a
13 situation where the health and welfare of mother or baby
14 requires it. This Act shall be liberally construed to best
15 carry out these purposes.

16 Section 10. Definitions. As used in this Act:

17 "Emergency" means a medical condition of recent onset and
18 severity that would lead a prudent layperson, possessing an
19 average knowledge of medicine and health, to believe that
20 urgent or unscheduled medical care is required.

21 "Hospital" has the meaning ascribed to that term in the
22 Hospital Licensing Act.

23 "Community midwife" means any midwife serving the home
24 birth community in this State who is not licensed under the
25 Nurse Practice Act.

1 "Patient" means the mother or infant receiving or planning
2 to receive home birth services from the community midwife.

3 Section 15. Home birth emergency transfer protocols.
4 Illinois hospitals shall:

5 (1) allow rapid transfer of patient and patient medical
6 records when an emergency arises during the course of,
7 immediately after, or in the 6 weeks following a planned
8 home birth;

9 (2) allow professional communication between the
10 community midwife and transport and hospital personnel
11 before, during, and after transport without requiring the
12 family or the community midwife to reveal the midwife's
13 identity or location;

14 (3) prohibit hospital personnel from filing a report
15 with the Department of Children and Family Services merely
16 for the fact of a planned home birth; and

17 (4) prohibit hospital personnel from filing a report
18 with the Department of Financial and Professional
19 Regulation or local authorities solely for the fact of
20 attending a home birth.

21 Section 20. Vicarious liability. No physician licensed to
22 practice medicine in all its branches or physician's assistant,
23 nurse, advanced practice nurse, medical assistant or
24 technician, or first responder shall be held liable for an

1 injury solely resulting from an act or omission by a midwife
2 occurring outside of a hospital, doctor's office, or health
3 care facility. Except as may otherwise be provided by law,
4 nothing in this Section shall exempt any physician licensed to
5 practice medicine in all its branches, physician's assistant,
6 nurse, advanced practice nurse, medical assistant or
7 technician, or first responder from liability for his or her
8 own negligent, grossly negligent, or willful or wanton acts or
9 omissions.

10 Section 900. The Medical Practice Act of 1987 is amended by
11 changing Section 4 as follows:

12 (225 ILCS 60/4) (from Ch. 111, par. 4400-4)
13 (Section scheduled to be repealed on November 30, 2011)
14 Sec. 4. Exemptions.
15 (a) This Act does not apply to the following:
16 (1) persons lawfully carrying on their particular
17 profession or business under any valid existing regulatory
18 Act of this State;
19 (2) persons rendering gratuitous services in cases of
20 emergency;
21 (3) persons treating human ailments by prayer or
22 spiritual means as an exercise or enjoyment of religious
23 freedom; ~~or~~
24 (4) persons practicing the specified occupations set

1 forth in in subsection (a) of, and pursuant to a licensing
2 exemption granted in subsection (b) or (d) of, Section
3 2105-350 of the Department of Professional Regulation Law
4 of the Civil Administrative Code of Illinois, but only for
5 so long as the 2016 Olympic and Paralympic Games
6 Professional Licensure Exemption Law is operable; or

7 (5) community midwives during the transport and
8 transfer of care of home birth mothers or infants solely in
9 a case of emergency.

10 (b) (Blank).

11 (Source: P.A. 96-7, eff. 4-3-09.)

12 Section 910. The Nurse Practice Act is amended by changing
13 Section 50-15 as follows:

14 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 50-15. Policy; application of Act.

17 (a) For the protection of life and the promotion of health,
18 and the prevention of illness and communicable diseases, any
19 person practicing or offering to practice advanced,
20 professional, or practical nursing in Illinois shall submit
21 evidence that he or she is qualified to practice, and shall be
22 licensed as provided under this Act. No person shall practice
23 or offer to practice advanced, professional, or practical
24 nursing in Illinois or use any title, sign, card or device to

1 indicate that such a person is practicing professional or
2 practical nursing unless such person has been licensed under
3 the provisions of this Act.

4 (b) This Act does not prohibit the following:

5 (1) The practice of nursing in Federal employment in
6 the discharge of the employee's duties by a person who is
7 employed by the United States government or any bureau,
8 division or agency thereof and is a legally qualified and
9 licensed nurse of another state or territory and not in
10 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of
11 this Act.

12 (2) Nursing that is included in the program of study by
13 students enrolled in programs of nursing or in current
14 nurse practice update courses approved by the Department.

15 (3) The furnishing of nursing assistance in an
16 emergency.

17 (4) The practice of nursing by a nurse who holds an
18 active license in another state when providing services to
19 patients in Illinois during a bonafide emergency or in
20 immediate preparation for or during interstate transit.

21 (5) The incidental care of the sick by members of the
22 family, domestic servants or housekeepers, or care of the
23 sick where treatment is by prayer or spiritual means.

24 (6) Persons from being employed as unlicensed
25 assistive personnel in private homes, long term care
26 facilities, nurseries, hospitals or other institutions.

1 (7) The practice of practical nursing by one who is a
2 licensed practical nurse under the laws of another U.S.
3 jurisdiction and has applied in writing to the Department,
4 in form and substance satisfactory to the Department, for a
5 license as a licensed practical nurse and who is qualified
6 to receive such license under this Act, until (i) the
7 expiration of 6 months after the filing of such written
8 application, (ii) the withdrawal of such application, or
9 (iii) the denial of such application by the Department.

10 (8) The practice of advanced practice nursing by one
11 who is an advanced practice nurse under the laws of another
12 state, territory of the United States, or country and has
13 applied in writing to the Department, in form and substance
14 satisfactory to the Department, for a license as an
15 advanced practice nurse and who is qualified to receive
16 such license under this Act, until (i) the expiration of 6
17 months after the filing of such written application, (ii)
18 the withdrawal of such application, or (iii) the denial of
19 such application by the Department.

20 (9) The practice of professional nursing by one who is
21 a registered professional nurse under the laws of another
22 state, territory of the United States or country and has
23 applied in writing to the Department, in form and substance
24 satisfactory to the Department, for a license as a
25 registered professional nurse and who is qualified to
26 receive such license under Section 55-10, until (1) the

1 expiration of 6 months after the filing of such written
2 application, (2) the withdrawal of such application, or (3)
3 the denial of such application by the Department.

4 (10) The practice of professional nursing that is
5 included in a program of study by one who is a registered
6 professional nurse under the laws of another state or
7 territory of the United States or foreign country,
8 territory or province and who is enrolled in a graduate
9 nursing education program or a program for the completion
10 of a baccalaureate nursing degree in this State, which
11 includes clinical supervision by faculty as determined by
12 the educational institution offering the program and the
13 health care organization where the practice of nursing
14 occurs.

15 (11) Any person licensed in this State under any other
16 Act from engaging in the practice for which she or he is
17 licensed.

18 (12) Delegation to authorized direct care staff
19 trained under Section 15.4 of the Mental Health and
20 Developmental Disabilities Administrative Act consistent
21 with the policies of the Department.

22 (13) The practice, services, or activities of persons
23 practicing the specified occupations set forth in
24 subsection (a) of, and pursuant to a licensing exemption
25 granted in subsection (b) or (d) of, Section 2105-350 of
26 the Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois, but only for so long as
2 the 2016 Olympic and Paralympic Games Professional
3 Licensure Exemption Law is operable.

4 (14) County correctional personnel from delivering
5 prepackaged medication for self-administration to an
6 individual detainee in a correctional facility.

7 (15) Community midwives during the transport and
8 transfer of care of home birth mothers or infants solely in
9 a case of emergency.

10 Nothing in this Act shall be construed to limit the
11 delegation of tasks or duties by a physician, dentist, or
12 podiatrist to a licensed practical nurse, a registered
13 professional nurse, or other persons.

14 (Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7,
15 eff. 4-3-09; 96-516, eff. 8-14-09; 96-1000, eff. 7-2-10.)".